



ARL 00-34A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. : **6,919,283** Confirmation No.: **9057**
Appl. No. : **10/661,547**
Applicant : **Joshi, et al.**
Filed : **09/15/2003**
TC/A.U. : **2822**
Examiner : **Thomas, Toniae M.**

Docket : **ARL 00-34A**

Customer No. : **21364 U.S. Army Research Laboratory**

For: Fabrication of Pure and Modified Ta₂O₅ Thin Film with Enhanced Properties for Microwave Communication, Dynamic Random Access Memory and Integrated Electronic Applications

PETITION TO CORRECT INVENTORSHIP

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is a Petition to Correct the Inventorship listed on the face of U.S. Patent 6,919,283. A Request for Certificate of Correction - Office Mistake is being Filed simultaneously.

The following **Statements** and **Documentation** are respectfully submitted:

A **Statement** by unnamed Co-Inventor Melanie W. Cole begins on page 3 of this paper.

A **Statement** by unnamed Co-Inventor Eric Ngo begins on page 4 of this paper.

A **Statement** by Currently named Inventor Pooran C. Joshi begins on page 5.

A **Statement** on behalf of Assignee United States of America by its Applicant's Attorney who is authorized to act for Assignee begins on page 6.

A **memorandum** indicating Applicant's Attorney's authority is at page 7.

Assignment Documents begin at page 8 of this paper

07/29/2005 SSITHIB1 00000072 192201 6919283

01 FC:1464 130.00 DA

07/29/2005 SSITHIB1 00000072 192201 6919283


02FC:1811 100.00 DA

While Applicant's Attorney feels that the error was not a result of Applicant's mistake, if it is determined that the error was as a result of Applicant's mistake, the Commissioner is authorized to charge Deposit Account 19-2201 the Fee under 37 CFR 1.20 for providing a certificate of correction for applicant's mistake (§1.323) of \$100.00, and the Processing Fee for Correcting Inventorship in a Patent (§1.324) of \$130.00 and any additional such fee as may be appropriate.

If this Petition is found to be deficient in any regard, the Examiner is invited to telephone the undersigned at the local telephone number given below and I will attempt to correct the deficiency and provide any additional information that may be required.

Respectfully submitted,

28 JULY 2005
DATE


William V. Adams
Attorney for Applicants
Reg. No. 32,552
(703) 806-8255

STATEMENT OF NO DECEPTIVE INTENT

The inventorship error of failing to include Melanie W. Cole, as an Inventor U.S. Patent 6,919,283 occurred without any deceptive intention on the part of the undersigned Melanie W. Cole.

My Residence as stated in the Declaration/Power of Attorney Filed with U.S. Patent Application Serial Number 10/661,547 is Churchville, Maryland. My Post Office Address is 1216 Glenview Court, Churchville, Maryland 21028.

Melanie W. Cole / Melanie W. Cole

Melanie W. Cole

STATEMENT OF NO DECEPTIVE INTENT

The inventorship error of failing to include Eric Ngo as an Inventor of U.S. Patent 6,919,283 occurred without any deceptive intention on the part of the undersigned Eric Ngo.


My Residence as stated in the Declaration/Power of Attorney Filed with U.S. Patent Application Serial Number 10/661,547 is Bel Camp, Maryland. My Post Office Address is 4315 Gilmer Court, Bel Camp, Maryland

A handwritten signature in black ink, appearing to read "Eric Ngo", with a horizontal line drawn through the middle of the signature.

Eric Ngo

STATEMENT OF AGREEMENT WITH INVENTORSHIP CHANGE

I, Pooran C. Joshi, the Named Inventor on U.S. Patent 6,919,283, agree that the Inventorship of this Patent should be changed to include my Co-Inventors Melanie W. Cole and Eric Ngo. Their names were included on the Declaration/Power of Attorney that we each signed for U.S. Patent Application 09/855,549 and a copy of that Declaration/Power of Attorney was Filed with U.S. Patent Application Serial Number 10/661,547

 (July 27, 2005)
Pooran C. Joshi

STATEMENT

I, William V. Adams, Registration Number, 32,552, being employed as an Associate Counsel, Patent Attorney for the United States Army Materiel Command, have authority to act on behalf of the Assignee United States of America as Represented by the Secretary of the Army as indicated on the Attached Intellectual Property Counsel of the Army Memorandum, Subject: Authority to Represent the Army before the USPTO, dated 9 September 2004.

The United States of America as Represented by the Secretary of the Army is the Assignee/Owner of Record of U.S. Patent 6,919,283 with documentary evidence of the chain of title from each of the original owners Inventors: Pooran C. Joshi, Melanie W. Cole and Eric Ngo to the Assignee being recorded in the assignment records of the United States Patent and Trademark Office at reel/frame: 016197/0122, number of pages 3. A copy of the Assignment Documents is also attached.

Assignee United States of America as Represented by the Secretary of the Army agrees to the Correction of Inventorship of U.S. Patent 6,919,283.

U.S. Patent Application Serial Number 10/661,547, now U.S. Patent 6,919,283, was Filed on 15 September 2003. I was and still am Attorney of Record in this case. I prepared and signed the paperwork for Filing; however, I had to leave town on the day that the Application was Filed so I prepared the paperwork and left it for my Team Leader and the Army Materiel Command Patent Technician to have the paperwork Filed with the USPTO. I called from the airport and spoke with the Patent Technician giving her instructions concerning the Application. The Transmittal Sheet identified the Application as a "Divisional of prior application 09/855,549" which case was Expressly Abandoned under 37 CFR 1.138 at the time of Filing of U.S. 10/661,547.

The Inventorship of 10/661,547 was identical to the inventorship of 09/855,549; therefore, a copy of the original Declaration/Power of Attorney for that Application was Filed with the Transmittal Sheet for 10/661,547. In addition, a copy of a Corrected Filing Receipt showing Inventor Pooran C. Joshi's name, which had previously been typed incorrectly as Joshi C. Pooran, correctly was Filed with the Application. The documents all appear in the File Wrapper for 10/661,547 on the Patent Application Information Retrieval System.

Through error, the USPTO only indicated the First Named Inventor Pooran C. Joshi as Inventor for 10/661,547.


I did not see a Filing Receipt for U.S. Application 10/661,547. I Filed several Responses during the Prosecution of the case including a Petition for Extension of Time under 37 CFR 1.136(a), an Amendment, Drawings, and a Response to Missing Parts/incomplete Application all Filed 8 March 2004. Each Paper in the Caption (other than a Transmittal Sheet showing "First Named Inventor") or in the Drawing Sheets Header identified the inventorship as "Joshi, et al." An Amendment and Remarks Filed on 19 January 2005 also correctly identified the Inventorship as "Joshi, et al." in the Caption and on the Replacement Drawing Sheets header; however, again the Transmittal Sheet merely indicated First Named Inventor as "Pooran C. Joshi." The same is true of a "Response to Notice of Non-Compliant Amendment (37 CFR 1.121) Filed 9 February 2005.

On 8 July 2005 when I saw the Issue Notification mailed 29 June 2005, I failed to notice that only Pooran C. Joshi was listed as an Applicant. All three Co-Inventors Pooran C. Joshi, Melanie W. Cole and Eric Ngo should have been listed as Applicants.

To the extent that any action or inaction on the part of the Applicant Inventors or their Assignee, the United States of America as Represented by the Secretary of the Army, caused the USPTO to incorrectly indicate the Inventorship of the Patent on U.S. Patent 6,919,283, the error of failing to list Melanie W. Cole and Eric Ngo was made without any deceptive intent on the part of Melanie W. Cole, Eric Ngo, the undersigned Applicant's Attorney or the Assignee United States of America as Represented by the secretary of the Army. Currently Named Inventor Pooran C. Joshi agrees that the Inventorship of U.S Patent 6,919,283 Patent should be changed to include Co-Inventors Melanie W. Cole and Eric Ngo.

Respectfully submitted,

28 JULY 2005
DATE


William V. Adams
Attorney for Applicants
Reg. No. 32,552
(703) 806-8255



DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
901 NORTH STUART STREET
ARLINGTON VA 22203-1837



REPLY TO
ATTENTION OF
JALS-IP

9 September 2004

MEMORANDUM FOR HQ, U.S. Army Materiel Command, ATTN: Kathi Szymanski,
AMC Command Counsel, 5001 Eisenhower Avenue,
Alexandria, VA 22333-0001

SUBJECT: AUTHORITY TO REPRESENT THE ARMY BEFORE THE USPTO

Reference (a): AR 27-60, "Intellectual Property;" 1 June 1993, Section II,
"Responsibilities;" paragraph 1-5, "The Intellectual Property Counsel of
the Army, subparagraph 1-5.h.

1. Responsive to the issues raised by Bill Adams concerning his authority to act on behalf of a patent application's assignee, and in accordance with reference (a), I hereby delegate to all AMC patent attorneys the authority to represent the Army before the U.S. Patent and Trademark Office.

ALAN P. KLEIN
Intellectual Property
Counsel of the Army

Cc: William V. Adams



ARL 00-34A JOSH/et al

Facsimile Transmission

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From: **Name:** USPTO ASSIGNMENT DIVISION
 Fax Number:
 Voice Phone: 703-308-9723

To: **Name:** U.S. ARMY RESEARCH LABORATORY
 Company: C. BOURGET
 Fax Number: 17038068873
 Voice Phone:

Fax Notes:

Pg#	Description
1	Cover Page
2	245.TXT
4	Document 1, Batch 462194

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Date and time of transmission: Wednesday, June 29, 2005 1:58:36 PM
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 28, 2005

PTAS

700177104A***700177104A***

U.S. ARMY RESEARCH LABORATORY
C. BOURGET
AMSRD-ARL-O-CC-IP
2800 POWDER MILL ROAD
ADELPHI, MD 20783-1197

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/05/2005

REEL/FRAME: 016197/0122
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

JOSHI, POORANC.

DOC DATE: 06/08/2000

ASSIGNOR:

COLE, MELANIE W.

DOC DATE: 04/21/2005

ASSIGNOR:

NGO, ERIC H.

DOC DATE: 04/21/2005

ASSIGNEE:

SECRETARY OF THE ARMY, UNITED
STATES OF AMERICA AS REPRESENTED
BY THE
WASHINGTON, D.C. 20310

016197/0122 PAGE 2

SERIAL NUMBER: 10661547

FILING DATE: 09/15/2003

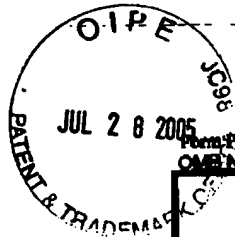
PATENT NUMBER:

ISSUE DATE:

TITLE: FABRICATION OF PURE AND MODIFIED TA2O5 THIN FILM WITH ENHANCED
PROPERTIES FOR MICROWAVE COMMUNICATION, DYNAMIC RANDOM ACCESS
MEMORY AND INTEGRATED ELECTRONIC APPLICATIONS

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

US/US/2005
700177104



Form PTO-1595 (Rev. 05/04)
OMB No. 0851-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

- 1) Pooran C. Joshi
- 2) Melanie W. Cole
- 3) Eric H. Ngo

Execution Date(s) 16/8/05 24/2/05 3) 4/2/05

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: United States of America

Internal Address: as Represented by the Secretary of the Army

Street Address: _____

City: Washington

State: DC

Country: U.S.A. Zip: 20310

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 8424, Confirmatory License
☐ Other _____

4. Application or patent number(s):

A. Patent Application No.(s)

10/661,547

☐ This document is being filed together with a new application.
B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: U.S. Army Research Laboratory

Internal Address: AMSRD-ARL-O-CC-IP (C.Bourget)

Street Address: 2600 Powder Mill Road

City: Adelphi

State: Maryland Zip: 20783-1197

Phone Number: (301) 394-3790

Fax Number: (301) 394-3972

Email Address: CBOURGET@ARLARMY.MIL

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40

- ☐ Authorized to be charged by credit card
☒ Authorized to be charged to deposit account
☐ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number 19-2201

Authorized User Name Army Materiel Cmd

9. Signature:

William V. Adams

5 May 2005

Signature

Date

WILLIAM V. ADAMS, Reg. No. 32,552

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

3

Documents to be recorded (including cover sheet) should be filed to (703) 308-6000, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

JUL 28 2005

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

- 1) Pooran C. Joshi
- 2) Melanie W. Cole
- 3) Eric H. Ngo

Execution Date(s) 16/8/00 24/2/05 3) 4/2/05

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Name: United States of America

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Secretary of the Army

Street Address: _____

City: Washington

State: DC

Country: U.S.A. Zip: 20310

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
- ☐ Security Agreement ☐ Change of Name
- ☐ Government Interest Assignment
- ☐ Executive Order 9424, Confirmatory License
- ☐ Other _____

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

10/661,547

Additional numbers attached? ☐ Yes ☒ No

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State: Maryland Zip: 20783-1197

Phone Number: (301) 394-3790

Fax Number: (301) 394-3972

Email Address: CBOURGET@ARL.ARMY.MIL

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40

- ☐ Authorized to be charged by credit card
- ☒ Authorized to be charged to deposit account
- ☐ Enclosed
- ☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number 19-2201

Authorized User Name Army Materiel Cmd

9. Signature: William V. Adams

5 May 2005

Signature

Date

WILLIAM V. ADAMS, Reg. No. 32,552

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

3

ASSIGNMENT OF INVENTION

For use of this form, see AR 27-60; the preparing agency is DTJAG

Title of Invention: Fabrication of Pure and Modified Ta2O5 Thin Film with Enhanced Properties for Microwave Communication, Dynamic Random Access Memory and Integrated Electronic Applications

Inventor(s): Pooran C. Joshi, Melanie Cole and Eric Ngo

*Application Serial No.: 10/661,547

*Date Cash Considered: 7/26/01 *Filing Date: 09/15/2003

(*Data not known at execution may be added for better identification.)

I (We), the undersigned inventor(s), in consideration of the rights of the Government of the United States acquired by virtue of the circumstances under which the above-entitled invention was made, hereby:

1. Assign to the Government of the United States, as represented by the Secretary of the Army, the entire right, title and interest throughout the United States, its Territories, Possessions, and Puerto Rico, in and to the above-entitled invention and application for patent and all Letters Patent issuing thereon, and any continuation, continuation-in-part or division of said application and any revision or extension of said Letters Patent.

2. Agree to assign to the Government upon its request, title and interest in the invention in those foreign countries in which the Government, within eight months of the filing of the United States application for patent, determines to cause an application to be filed; provided that if the Government determines not to cause an application to be filed in any particular foreign country or fails to make such a determination, within the said eight months, all right, title and interest in the invention in such foreign country shall remain in me (us), subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent which may issue on the invention in such foreign country, including the power to issue sublicenses for use in behalf of the Government and/or furtherance of the foreign policies of the Government.

3. Agree to provide any further information within my (our) knowledge and to execute any further documents necessary to the prosecution of patent applications on the invention, the prosecution and maintenance of interferences and recording of title to patent applications and patents issuing thereon.

Signature of Inventor: *Pooran C. Joshi* POORAN C JOSHI
(First name) (Middle Initial) (Last Name)

Duty Address: US ARL AMSRL-WM-MD, Aberdeen Proving Ground, Harford, MD 21005
(Locality) (County) (State)

Date: 6/8/00 Typed Name of Inventor: Pooran C. Joshi

State of Maryland : SS.
County of Cecil :

On the above date Pooran C. Joshi known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that the same as his own free act and deed.

SEAL

(Signature of notary public)

My Commission expires on 2/10/01

SUPPLEMENTAL SIGNATURE SHEET

For use of this form, see AR 27-60; the proponent agency is OTJAG

Use this form with DA Forms 2873-R and 2874-R when additional signature blocks are needed.

1. ASSIGNOR(s) OR LICENSOR(s) NAME(s)
Pooran C. Joshi, Melanie W. Cole and Eric H. Ngo2. APPLICATION SERIAL NUMBER
10/661,547 ARL 00-34A3. FILING DATE
9/15/03

4. TITLE OF INVENTION

Fabrication of Pure and Modified Ta2O5 Thin Film with Enhanced properties for Microwave Communication, Dynamic Random Access Memory and Integrated Electronic Applications

SIGNATURE OF INVENTOR:

Melanie W. Cole
(First name) (Middle initial) (Last name)DUTY ADDRESS: US ARL, AMRD-ARL-WM-MA, Aberdeen Proving Ground, Harford, MD 21005-5055DATE SIGNED: April 21, 2005 INVENTOR'S TYPED NAME: Melanie W. Cole

STATE OF

Maryland

COUNTY OF

Cecil

) SS.

On the above date known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own free act and deed.

(SEAL)

Dawn E. Gordiner
(Signature of notary)My Commission expires on 01/01/09

SIGNATURE OF INVENTOR:

Eric Ngo
(First name) (Middle initial) (Last name)DUTY ADDRESS: US ARL, AMRD-ARL-WM-MA, Aberdeen Proving Ground, Harford, MD 21005-5055DATE SIGNED: 4/21/05 INVENTOR'S TYPED NAME: Eric H. Ngo

STATE OF

Maryland

COUNTY OF

Cecil

) SS.

On the above date known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that he executed the same as his own free act and deed.

(SEAL)

Dawn E. Gordiner
(Signature of notary)My Commission expires on 01/01/09